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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,755	03/19/2004	Eric Jacquemont	02-856-2	7678

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,755

Applicant(s)

JACQUEMONT ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-30 is/are pending in the application.
- 4a) Of the above claim(s) 20-25, 27, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19, 26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/671,624.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. In accordance with MPEP §§ 609, 707.05, and 2001.06(b), the prior art cited in the parent application was reviewed prior to preparation of this Office action.

Election/Restrictions

2. Applicant's election without traverse of Species I shown in Figs. 1 & 2c in the reply filed on March 10, 2005 is acknowledged.

3. Claims 20-25, 27, 29 & 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 10, 2005.

a. In the reply, claim 20 was identified as reading on the elected species, but the limitations therein read only on unelected species. The "annular groove" recited in the claim corresponds to a feature found only in the unelected species shown at Figs. 3 & 7.

b. In the reply, claim 24 was identified as reading on the elected species. However, claim 24 depends from a claim which was not identified as reading on the elected species. As such claim 24 has been withdrawn.

Priority

4. This application filed under former 37 CFR 1.62 lacks a proper reference to the prior application because the current status of the parent nonprovisional application(s) was not included.

Drawings

5. The drawings are objected to because the drawings fail to depict:
 - a. The “elastomer or plastomer coating 22” (see for example page 10, line 21).
 - b. The “visco-elastic material” of the annular ring 27b described at page 11, lines 10+.
 - c. The limitations of claim 16.

See MPEP § 608.02 for the appropriate cross hatch patterns for depicting elastomer, plastomer and visco-elastic materials

6. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 19 recites the limitation, “said substantially cylindrical surface [10] of said [support (3)] is slidably associated with said substantially cylindrical peripheral surface [13a] of said toothed ring [2a]”. Applicant has not pointed out where this limitation is supported, nor does there appear to be a written description of the limitation in the description of the elected species in the application as originally filed.

9. Claims 13-19, 26 & 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

a. Claim 13, lines 17+ recites the limitation, “the remainder of the complementary substantially cylindrical inside peripheral surface [13a] being shaped in such a manner

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that it is radially separated from said substantially cylindrical peripheral surface [10] of said support [3]". However, the complementary substantially cylindrical inside peripheral surface 13a of the elected species does not appear to shaped in such a manner. Instead, Figs. 1 & 2c clearly show that the radial separation is provide entirely by the weld 19.

b. Claim 19 recites the limitation, "said substantially cylindrical surface [10] of said [support (3)] is slidably associated with said substantially cylindrical peripheral surface [13a] of said toothed ring [2a]". However, in the specification, the surfaces 10 & 13a are described as being fixed together (i.e. not slidably associated).

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 15, 19 & 26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 15 recites the limitation "said teeth" in line 3. There is insufficient antecedent basis for this limitation in the claim.

b. Claims 15 & 26 each recite the limitation "said region". There is insufficient antecedent basis for this limitation in the claims.

c. Claim 19 recites the limitation "said substantially cylindrical peripheral surface of said flywheel". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Fenelon, US 5,307,705.

Fig. 6 shows an internal combustion engine flywheel 67 comprising: a support 69, 81 connected to an output shaft of an internal combustion engine and a starter ring 79 adapted to cooperate with a rotor of a starter motor; the support having a substantially cylindrical surface for fixing the ring to the support; the ring being fixed (see col. 5, line 3) to the surface of the support over a part of an extent of a complementary cylindrical inside peripheral surface 77 of the ring. Fig. 6 shows the remainder (the portion not fixed to the support) of the surface 77 is radially separated from the surface of the support 69, 81.

14. Claims 13 & 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 4-15352.

Fig. 4 shows an internal combustion engine flywheel comprising: a support 11 (see also Fig. 1) connected to an output shaft of an internal combustion engine and a starter ring 115 adapted to cooperate with a rotor 116 of a starter motor; the support having a substantially cylindrical surface for fixing the ring to the support; the ring being fixed (as at 117) to the surface of the support over a part of an extent of a complementary cylindrical inside peripheral surface of the

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ring. Fig. 4 shows the remainder (the portion not fixed to the support) of the surface of the ring 115 is radially separated (see "C") from the surface of the support.

15. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by SU 823716. The figure shows an internal combustion engine flywheel comprising: a support 2 connected to an output shaft of an internal combustion engine and a starter ring 1 adapted to cooperate with a rotor of a starter motor; the support having a substantially cylindrical surface for fixing the ring to the support; the ring being fixed (as at 3) to the surface of the support over a part of an extent of a complementary cylindrical inside peripheral surface of the ring. The figure shows the remainder (the portion not fixed to the support) of the surface of the ring 1 is radially separated from the surface of the support.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. SU 1013665 shows a an internal combustion engine. Flywheel.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679